

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

May 3, 2021

Chief Judge Diane S. Sykes

No. 07-21-90016

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presides over his two civil-rights cases. He alleges undue delay in completing the screening required under 28 U.S.C. § 1915A(a). Allegations of delay do not raise a cognizable basis for a misconduct complaint absent evidence of improper motive or habitual delay in a substantial number of cases. *See* Rule 4(b)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. No such evidence exists here. Prisoner civil-rights cases comprise more than a quarter of this district court's docket, often hundreds of cases each year. Complainant has not shown pervasive or habitual delay by this judge. In any event, a review of the docket shows that screening has in fact been completed in both cases. 28 U.S.C. § 352(b)(1)(B) (dismissal is appropriate when "a limited inquiry ... demonstrates that the allegations in the complaint lack any factual foundation"). Finally, to the extent that the allegation challenges the correctness of the judge's official actions, it is not a proper ground for a misconduct complaint. § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (b)(1)(B).